

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AMALIA DIAZ,

Defendant.

8:17CR131

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's "Emergency Motion for Reduction of Sentence/Corona Virus-19 Pursuant to 3582 (c)(1)(A)(i), Compassionate Release," ECF No. 56. The Defendant seeks a reduction or modification of her sentence pursuant to 18 U.S.C. § 3582(c)(1)(A) as amended by Section 603 of the First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (2018).

In Section 603 of the First Step Act, Congress amended 18 U.S.C. § 3582(c)(1)(A) to permit defendants to move a sentencing court for compassionate release "after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier."

The Defendant acknowledges that she has not exhausted any administrative remedies, and she asserts that she should be excused from such exhaustion requirements. She lists a variety of health concerns, and she asks that her sentence be reduced from a term of 77 months incarceration to time served, or approximately 25 months.

The Court will not entertain the Defendant's request for compassionate release until she has complied with the prerequisites of 18 U.S.C. § 3582(c)(1)(A) as quoted, above. Accordingly,

IT IS ORDERED:

1. The Defendant's "Emergency Motion for Reduction of Sentence/Corona Virus-19 Pursuant to 3582 (c)(1)(A)(i), Compassionate Release," ECF No. 56, is denied without prejudice to reassertion following proper exhaustion of administrative remedies; and
2. The Clerk will mail a copy of this Memorandum and Order to the Defendant at her last known address.

Dated this 19th day of May 2020.

BY THE COURT:

s/Laurie Smith Camp
Senior United States District Judge